

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

KENT GRIFFEE	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	C.A. No.: 1:19-CV-00476-JJM-LDA
	)	
DEUTSCHE BANK TRUST COMPANY	)	
AMERICAS, AS TRUSTEE RALI	)	
2007-QS, ALIAS DEUTSCHE BANK	)	
TRUST COMPANY	)	
AMERICAS AS TRUSTEE FOR	)	
RESIDENTIAL ACCREDIT LOANS,	)	
INC., MORTGAGE ASSET-BACKED	)	
PASS-THROUGH CERTIFICATES,	)	
SERIES 2006-QS18	)	
	)	
<i>Defendant,</i>	)	
	)	
	)	

**DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT**

Defendant, Deutsche Bank Trust Company Americas, as Trustee RALI 2007-QS, Alias Deutsche Bank Trust Company Americas as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-QS18 (“Defendant” or “Deutsche Bank”), hereby responds to allegations contained in the Complaint filed by Plaintiff, Kent Griffiee (“Plaintiff”), in the instant action and responds by denying each and every allegations not specifically admitted herein and by further responding to the allegations of each numbered paragraph herein as follows:

1. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required.
2. Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.

3. Defendant admits that it was assigned Plaintiff's mortgage. The document referenced in the remainder of this paragraph speaks for itself and, therefore, no response is required. Defendant states that the allegations set forth in final sentence of this paragraph are legal conclusions to which no response is required.
4. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required.
5. Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.
6. Denied.
7. Denied as stated. The name of the referenced Trust is "RALI Series 2006-QS18 Trust". Upon information and belief, RALI is short for Residential Accredit Loans Inc.
8. Admitted.
9. Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.
10. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. Defendant further states that Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.
11. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. Defendant further states that Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.
12. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. Defendant further states that Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.

## **COUNT I**

### **BREACH OF CONTRACT AND BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING**

13. Defendant repeats and reasserts its answers and defenses to paragraphs 1-12, as if fully set forth herein.
14. The allegations set forth in this paragraph, to the extent they are directed at Defendant, are denied. The remaining allegations in this paragraph constitute legal

conclusion to which to which no response is required and reference a document, which speaks for itself.

15. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
16. This paragraph sets forth conclusions of law to which no response is required by Defendant.
17. This paragraph sets forth conclusions of law to which no response is required by Defendant.
18. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. The document referenced in this paragraph speaks for itself and, therefore, no response is required.
19. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. Defendant further states that the allegations in this paragraph contain only legal conclusions to which no response is required.
20. This paragraph sets forth allegations as to the content of documents which speak for themselves and, therefore, no response is required.
21. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. The document referenced in this paragraph speaks for itself and, therefore, no response is required.
22. The allegations set forth in this paragraph constitute a legal conclusion to which no response is required. Defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph and, therefore, neither admit or deny the same.
23. This paragraph sets forth allegations as to the content of a document which speak for themselves and, therefore, no response is required.
24. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
25. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
26. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
27. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.

28. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
29. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
30. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
31. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
32. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
33. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
34. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
35. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
36. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
37. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
38. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
39. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.

40. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
41. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
42. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
43. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
44. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
45. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
46. The allegations set forth in this paragraph do not plead a cognizable allegation such that a response is required.
47. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
48. This paragraph sets forth allegations that are not directed at Defendant , refer to the content of documents which speak for themselves, and sets forth legal conclusions to which no response is required.
49. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
50. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. Defendant further states that Defendant states that the document referenced in this paragraph speaks for itself and, therefore, no response is required.
51. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
52. Defendant denies that it breached any contract.
53. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.

- 54. Denied.
- 55. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
- 56. Defendant lacks knowledge sufficient to admit or deny the allegations contained in this paragraph.
- 57. There is no paragraph 57 contained in Plaintiff's Complaint.
- 58. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.
- 59. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.
- 60. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.
- 61. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.
- 62. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.

**COUNT II**  
**INJUNCTIVE RELIEF**

- 63. Defendant repeats and reasserts its answers and defenses to paragraphs 1-62, as if fully set forth herein.
- 64. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. To the extent a response is required, the allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
- 65. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required. To the extent a response is required, the allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
- 66. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
- 67. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.

68. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
69. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
70. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
71. This paragraph sets forth allegations as to the content of a document which speaks for itself and, therefore, no response is required.
72. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.
73. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
74. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
75. The allegations set forth in this paragraph are not directed at Defendant , and refer to the content of documents which speak for themselves and, therefore, no response is required.
76. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required.
77. Denied.
78. Denied.
79. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied
80. Denied.
81. The allegations set forth in this paragraph are not directed at Defendant , and refer to the content of documents which speak for themselves and, therefore, no response is required.
82. The allegations set forth in this paragraph are not directed at Defendant , and refer to the content of documents which speak for themselves and, therefore, no response is required.
83. The allegations set forth in this paragraph are not directed at Defendant , and refer to the content of documents which speak for themselves and, therefore, no response is required.

84. The allegations set forth in this paragraph are not directed at Defendant and, therefore, no response is required.
85. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied.
86. The allegations set forth in this paragraph contain only legal conclusions, to which no response is required. To the extent a response is required, denied

### **AFFIRMATIVE DEFENSES**

Without assuming any burdens imposed by law, Defendant asserts the following affirmative defenses to the claims asserted by Plaintiff in his Complaint.

#### **FIRST DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted and, therefore, Plaintiff is not entitled to recover in this matter. As such, Plaintiff's Complaint should be dismissed pursuant to 12(b)(6).

#### **SECOND DEFENSE**

Plaintiff's claims against Defendant are barred by the doctrine of laches, waiver and/or estoppel.

#### **THIRD DEFENSE**

Plaintiff's claim against Defendant are barred by the applicable statute of limitations.

#### **FOURTH DEFENSE**

Plaintiff is barred from recovery, or any alleged damages must be reduced on account of Plaintiff's failure to mitigate alleged damages.

#### **FIFTH DEFENSE**

Plaintiff is barred from recovery under the doctrine of accord and satisfaction.

#### **SIXTH DEFENSE**

Any alleged loss or damages suffered by the Plaintiffs were caused by third-parties, over whom Defendant had no control and for whose actions Defendant is not responsible.



**SEVENTH DEFENSE**

Plaintiff's claims against Defendant are barred because they have been released, forfeited, or waived.

**EIGHTH DEFENSE**

Plaintiff's claims against Defendant are barred because Defendant fulfilled all obligations pursuant to the relevant documents.

**NINTH DEFENSE**

Plaintiff's claims against Defendant are barred by the doctrine of unclean hands.

**TENTH DEFENSE**

Plaintiff's claims against Defendant are barred by the doctrine of unjust enrichment.

**ELEVENTH DEFENSE**

Plaintiff's claims against Defendant are barred by the applicable statute of frauds.

**TWELFTH DEFENSE**

Defendant reserves the right to assert additional affirmative defenses as determined applicable through discovery.

**WHEREFORE**, Defendant respectfully requests that this Honorable Court enter Judgment in its favor, dismiss Plaintiff's Complaint with prejudice, award Defendant attorneys' fees, and grant such other relief as the Court deems appropriate.

**JURY DEMAND**

Defendant demands a trial by jury on all issues so triable.

Respectfully submitted,

DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS TRUSTEE RALI 2007-QS,  
ALIAS DEUTSCHE BANK TRUST COMPANY  
AMERICAS AS TRUSTEE FOR RESIDENTIAL  
ACCREDIT LOANS, INC., MORTGAGE ASSET-  
BACKED PASS-THROUGH CERTIFICATES,  
SERIES 2006-QS18,  
By its Attorney,

/s/ Shanna M. Boughton  
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**CERTIFICATE OF SERVICE**

I, Shanna M. Boughton attorney for the Defendant hereby certify that on this 11<sup>th</sup> day of December, 2019, a copy of this pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all known counsel of record by operation of the court's CM/ECF system.

/s/Shanna M. Boughton  
Shanna M. Boughton